

SLR:LDM:BDM  
F.#2010V02489

**MISC 12 - 0080**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

**FILED**  
IN CLERK'S OFFICE  
DISTRICT COURT E.D.N.Y. DECREE OF FORFEITURE  
AND ORDER FOR DELIVERY

Plaintiff, **★ FEB 08 2012 ★**  
-against-

ANY AND ALL FUNDS ON DEPOSIT **BROOKLYN OFFICE**  
IN TD BANK ACCOUNT NUMBER xxxxx6510,  
LOCATED IN BROOKLYN, NEW YORK,  
HELD IN THE NAME OF TJM DISCOUNT  
AUTO WAREHOUSE, INC. UP TO AND  
INCLUDING THE SUM OF ONE  
MILLION SEVENTEEN THOUSAND NINE  
HUNDRED THIRTY-TWO DOLLARS AND  
EIGHTY CENTS (\$1,017,932.80), AND  
ALL PROCEEDS TRACEABLE THERETO,

**IRIZARRY, J.**

Defendant In Rem.

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WHEREAS, on or about November 28, 2011, the Honorable James Orenstein, United States Magistrate Judge for the Eastern District of New York, issued a warrant (the "Warrant") authorizing the seizure of any and all funds on deposit at TD Bank Account Number XXXXXX6510, held in the name of TJM Discount Auto Warehouse, Inc. ("TJM"), up to and including the sum of \$1,017,932.80, and all proceeds traceable thereto, finding probable cause to believe that such funds are subject to forfeiture to the United States pursuant to 31 U.S.C. § 5317 as property involved in violations of 31 U.S.C. § 5324;

WHEREAS, on or about November 28, 2011, agents of the United States Internal Revenue Service (the "IRS") executed the Warrant against approximately \$477,380.51 in United States currency (the "Defendant Funds");

WHEREAS, on or about December 9, 2011, the United States received correspondence from James O. Druker, Esq. ("Druker") on behalf of TJM, asserting an ownership interest in the Defendant Funds;

WHEREAS, no other person or entity has asserted any interest in the Defendant Funds and neither TJM nor the United States is aware of any other person or entity having an interest in the Defendant Funds;

WHEREAS, pursuant to a Stipulation of Settlement entered into on January 31, 2012 (the "Stipulation"), the United States agreed to return to TJM the sum of \$120,000.00; and

WHEREAS, in consideration of the foregoing, TJM agreed in the Stipulation to waive the filing of a complaint and forfeit to the United States, in accordance with 31 U.S.C. § 5317, the remainder of the Defendant Funds, in the amount of \$357,380.51, together with all interest accrued on the Defendant Funds since the date of seizure (the "Forfeited Funds").

UPON the joint application of the Plaintiff United States of America and TJM,

United States v. All Funds On Deposit In TD Bank Account No. XXXXX6510,  
Decree of Forfeiture and Order of Delivery (Irizarry, J.)

IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. Pursuant to 31 U.S.C. § 5317, the Forfeited Funds are hereby forfeited and condemned to the use and benefit of the United States of America.

2. The United States and its agents are hereby directed to publish notice of this forfeiture proceeding in accordance with all applicable laws and rules.

3. If no additional timely claims are filed asserting an interest in the Defendant Funds, the IRS, and agents thereof, be and the same hereby are, directed to: (a) return \$120,000.00 of the Defendant Funds to TJM in accordance with the terms set in the Stipulation; and (b) dispose of the Forfeited Funds in accordance with all applicable laws and regulations.

4. The Warrant previously executed shall be vacated.

5. The District Court shall retain jurisdiction of this action in order to enforce the Stipulation.

6. The Clerk of this Court shall forward six certified copies of this Decree of Forfeiture and Order to the United States Attorney for the Eastern District of New York, Attention: Assistant United States Attorney Brian Morris, 271 Cadman Plaza

East, 7th Floor, Brooklyn, New York 11201, and shall then mark  
this case closed.

Dated: Brooklyn, New York  
February 2, 2012

s/DLI

HONORABLE DORA L. IRIZARRY  
UNITED STATES DISTRICT JUDGE  
EASTERN DISTRICT OF NEW YORK

*12-mc-0080*

United States v. All Funds On Deposit In TD Bank Account No. XXXXX6510,  
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